

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

E. FRED SCHUBERT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 1:12-cv-00924-GMS
	)	
KONINKLIJKE PHILIPS ELECTRONICS	)	
N.V. and PHILIPS LUMILEDS LIGHTING	)	
COMPANY LLC,	)	
	)	
Defendants.	)	

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E. FRED SCHUBERT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	C.A. No. 1:12-cv-923-GMS
	)	
OSRAM GMBH, OSRAM OPTO	)	
SEMICONDUCTORS GMBH, OSRAM	)	
OPTO SEMICONDUCTORS, INC., and	)	
OSRAM SYLVANIA INC.,	)	
	)	
Defendants.	)	

**JOINT STIPULATION AND ORDER PROVIDING FOR STAY**  
**PENDING INTER PARTES REVIEW**

WHEREAS, Defendants OSRAM GmbH, OSRAM Opto Semiconductors GmbH, OSRAM Opto Semiconductors, Inc., and OSRAM Sylvania Inc. (the "OSRAM Defendants") filed a Motion to Stay in C.A. No. 12-923-GMS pending *inter partes* review of U.S. Patent No. 6,294,475 (the "'475 Patent") on July 24, 2013 (D.I. 50) ("Motion to Stay");

WHEREAS, Plaintiff E. Fred Schubert ("Plaintiff") filed his opposition to the OSRAM Defendants' Motion to Stay on August 26, 2013 (D.I. 56);

WHEREAS, this Court held a Scheduling Conference with counsel for Plaintiff, the OSRAM Defendants, and Koninklijke Philips Electronics N.V. and Philips Lumileds Lighting

Company LLC (collectively, the “Philips Defendants”) on October 25, 2013, regarding the pending Motion to Stay. The Philips Defendants raised a willingness to be bound by the *inter partes* review of the ’475 Patent should all actions be stayed pending that review, on certain conditions to be set forth in this Stipulation;

WHEREAS, Plaintiff and all Parties agree to an immediate stay of C.A. No. 12-923-GMS and C.A. No. 12-924-GMS pending *inter partes* review the ’475 Patent, subject to the conditions of this Joint Stipulation and Order;

NOW THEREFORE, the parties, subject to the approval of the Court, stipulate and agree as follows:

- (1) C.A. Nos. 12-923-GMS and 12-924-GMS shall be stayed pending the *inter partes* review of the ’475 patent. Any party may move to open these actions within sixty (60) days after issuance of the certificate issued pursuant to 35 USC § 318(b) or any final non-appealable decision by the USPTO or an appellate court resolving the *inter partes* review, whichever is later.
- (2) Subject to exception (3) below, the Philips Defendants shall not contest the validity of the claims at issue in the pending *inter partes* review of the ’475 Patent on grounds actually raised during that review in this or any subsequent proceedings, but shall be permitted to assert any ground not raised during the *inter partes* review (including any ground that reasonably could have been raised) (*contra* 35 USC § 315 (e)(2)’s limitations as to petitioners);
- (3) The Philips Defendants shall be permitted to contest the validity of any claim of the ’475 Patent on any ground, even if actually raised during the *inter partes* review, should Plaintiff (or any successor or assignee) and the OSRAM Defendants (or any successor or assignee) reach a settlement or agreement to end

the dispute (or remove adversity) concerning the '475 Patent prior to final resolution of the *inter partes* review and exhaustion of any appeal therefrom.

Respectfully submitted,

FARNAN LLP

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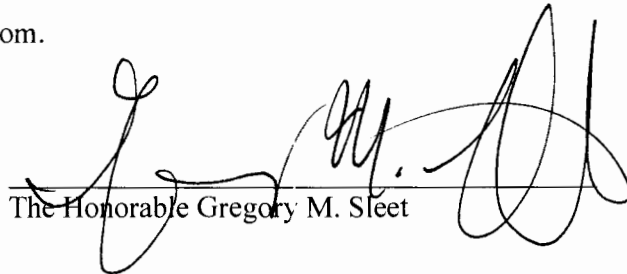
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Semiconductors, Inc. and OSRAM Sylvania Inc.*

SO ORDERED this 31<sup>st</sup> day of Oct, 2013 that:

- (1) The Stipulation is GRANTED and C.A. No. 12-923-GMS and C.A. No. 12-924GMS are immediately stayed.
- (2) All matters presently calendared in C.A. No. 12-923-GMS and C.A. No. 12-924-GMS, or set as required by the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure, are hereby vacated pending completion of the United States Patent and Trademark Office's ("USPTO") *inter partes* review of the '475 Patent and any appeals therefrom.



The Honorable Gregory M. Sleet